(SRI PUTTE GOWDA)

Arakalgud Taluk, had asked for the supply of power for four 10 H.P. installations and fifty street lights;

(*b*) whether they are aware of the fact that the above panchayat had also recommended certain names asking the Department concerned to supply power only to those specified by it;

(*c*) whether it is a fact that the Department concerned has supplied power for only two installations and fifty street lights;

(*d*) the reasons for not supplying power for the remaining two installations in spite of the fact that the Chairman, Village Panchayet, Basavapatna, has repeatedly represented this matter to the Department concerned?

A.—SRI H. K. VEERANNA GOWDH (Minister for Public Works).—

(*a*) The Village Panchayat had just indicated that four power installations are likely to come up apart from street lights and lighting installations.

(*b*) No.

(*c*) Yes.

(*d*) Owing to restriction of power supply.

ADJOURNMENT MOTIONS

Re. Death of Smt. Muniyamma.

MR. SPEAKER.—There are three adjournment motions tabled by the Hon'ble Members Sri Veerappa, Sri Muckannappa and Sri Puttaramiya. I shall read them one by one.

Sri Y. Veerappa's adjournment motion is as follows:—

"This Assembly stands adjourned to discuss about the unhappy tragedy and mystery behind the death of one Smt. Muniyamma, aged about twenty years, a resident of Sreeramapuram in Bangalore City in the Victoria Hospital on the 1st instant (1-3-1958, Saturday last) alleged to have been caused by the Seshadripuram Police as a result of their barbarous, inhuman and illegal act of *Rape* committed over the lady on the night of 28th ultimo, as this unhappy incident tantamounts to an act of misconduct on the part of the concerned police, misuse of well defined powers vested in them, outraging the modesty of a woman and a matter of public importance."

Sri C. J. Muckannappa's adjournment motion is as follows:—

"That this House do stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence to wit, the mysterious and sudden death of an undertrial prisoner on 1-3-58 by name Smt. Muniyamma, due to the outraging the modesty of the 20-year old girl named above and external violence committed by the Seshadripuram police officials."

Sri B. K. Puttaramiya's adjournment motion is as follows:—

"That this House stands adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the conduct of the police on 18-2-58 in harassing, humiliating and torturing one Smt. Muniyamma, as borne nut by a wound certificate of the Assistant Surgeon, Victoria Hospital and resulting in her death on 27-2-58."

I have already informed the House that this subject will be taken up today and I have to decide whether there is a *prima facie* case to allow these adjournment motions. Before I allow or disallow them, I would like to hear from the Government their views in the matter, but I am not going to give a chance to other members to speak in this behalf.

SRI C. M. POONACHA (Minister for Home Affairs and Industries).—Mr. Speaker, Sir, with regard to the adjournment motion . . . .

SRI T. PARTHASARATHY (Malleswaram).—I would request the Chair to give chances to members also to place facts before the House.

MR. SPEAKER.—I have already said that I am not going to do it. It would

be rather impossible for me because it will end in endless discussion.

Sri T. PARTHASARATHY.—Select few.

Mr. SPEAKER.—If I decide that it should be discussed in the House I allow the motion and if I decide that no *prima facie* case is made out, there will be no discussion. At the same time I must inform the House that I have received notice of a short notice question in this behalf. That short notice question will come up before the House very shortly and the Hon'ble Members will be given a chance to put supplementary questions and elicit information from the Minister himself.

*Sri A. BHEEMAPPA NAIK (Challakere).—The convention is that at least the member tabling the adjournment motion should be permitted to reply after the Minister makes a statement. If he is satisfied with the Government reply it is all right; otherwise should he not make a statement about his feeling on that? That is a convention built up in this House all through. I would therefore suggest to the Chair to kindly allow at least one of the three members who tabled the adjournment motions to make a statement after the Government makes a statement.

Mr. SPEAKER.—After all, it was not necessary for me to bring this adjournment motion before the House. I have brought it only to make myself sure whether a *prima facie* case is made out in that respect and I do mind giving a chance to one of these three members, but then it is confined to only one member and not to others.

Sri C. M. POONACHA.—In that case, Government should have a right to reply.

Mr SPEAKER.—In that case, one of the members who tabled the motions may make a few remarks in this respect.

Sri J. B. MALLARADHYA (Nanjangud).—Will you allow somebody on behalf of the member who tabled the adjournment motion or the member himself to speak?

Mr. SPEAKER.—It is only the member that gave notice who can do it.

Sri G. N. PUTTANNA (Tumkur).—I rise to a point of order. As per your kind suggestion, there are three members tabling adjournment motions on the same subject, but the information they have collected probably may be of a different nature. If only one of three members were to speak, the other two members would be handicapped and the House would be at a loss to know the real truth. Unless and until we hear all the three members and also we hear the Government proper justice will not be done. I would appeal to the Chair to allow all the three members to place before the House facts and make the House convinced.

Mr. SPEAKER.—The point is that I had decided that I should not give a chance to anybody except the Government Benches to make a statement in this respect. I have now decided to give a chance to one of the members who tabled the motions. That will be only by way of concession and nothing more. I am sure one of them will do justice to the subject and am not convinced about the point that other members would be bringing in more facts in this respect. But of course, as I understand, there are members who are in possession of these facts, other than these three members—this I have been unofficially given to understand—but then I would not give a chance to all of them. As I said, I have decided to give a chance to only one of those three members.

*ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚೆನ್ನಪಟ್ಟಣ).—ಈ ರೀತಿ ಒಬ್ಬರಿಗೆ ತಾವು chance ಕೊಡುವುದಾದರೆ, ಉಳಿದವರಿಗೂ ತಮ್ಮ ತಮ್ಮ aspect ನ್ನು ನಭೆಯ ಮುಂದಿಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕಾದದ್ದು ಯುಕ್ತ. ಒಬ್ಬರಿಗೆ ಅವಕಾಶ ಕೊಟ್ಟು ಮಿಕ್ಕುವರ Right ನ್ನು ಕತ್ತುಕೊಳ್ಳುವುದು ಸರಿಯಲ್ಲ. Every one has got a right to make a statement. So I request the Chair to allow the three members to speak on their motions.

ಅಧ್ಯಕ್ಷರು.—ನಾನು ಮೊದಲು ಯಾರಿಗೂ ಅವಕಾಶಕೊಡಬಾರದೆಂದೇ ಇದ್ದೆ. ಕೊನೆಗೆ ಯಾರಿಗಾದರೂ ಒಬ್ಬರಿಗೆ ಅವಕಾಶಕೊಡುವುದು

* Asterisk indicates that the remarks or speeches have not been revised by the Member concerned.

(ಅಧ್ಯಕ್ಷರು)

ನೂಕ್ತವೆಂದು ಭಾವಿಸಿ ಒಂದು Chance ಕೊಡುತ್ತಿದ್ದೇನೆ ಅಷ್ಟೆ. ಮಿಕ್ಕವ ರಿಗೂ ಅವಕಾಶ ಕೊಡುವುದು ಅವಶ್ಯಕವೆಂದು ನನಗೆ ತೋರುವುದಿಲ್ಲ.

*Sri T. PARTHASARATHY.—I am the only person acquainted with true details of the case apart from the members that gave notice. I request the Chair to give me a chance so that the House may be made aware of true facts.

Mr. SPEAKER.—The point is I have allowed a short notice question in this respect. There will be an occasion for the members to put supplementaries, as many as they like. So if I allow only one member who has tabled the motion to make a statement, that will be all right.

Sri T. PARTHASARATHY.—If I am given a chance, the Treasury Bench will be greatly helped.

Mr. SPEAKER.—Let one of the three members who tabled the motions make a statement.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸಭಾಪತಿಗಳೇ, ನಾಗರಿಕ ಪ್ರಪಂಚದಲ್ಲಿ ಎಂದೂ ನಡೆಯದಿರುವ ಒಂದು ಅವಿವೇಕ ಈ ಬೆಂಗಳೂರು ಕಲ್ಯಾಣ ನಗರದಲ್ಲಿ.....

Sri K. HANUMANTHAIYA (Ramanagaram).—I was watching the whole trend of discussion. If I may say so, nobody is entitled to make a statement on the subject. What is required under the Rules of Procedure is, the member tabling the motion must show to the House how urgent and recent it is and what public importance it commands and he must be in a position to convince the House that the motion is in accordance with the rules. I was rather surprised to note that members were called upon to make a statement on both sides. The preliminary issue is whether this motion is admissible. The member who tabled the motion must show on three counts how this motion is admissible. Government will thereafter say whether it is admissible or not. This is not the stage at which statements are to be made. I am rather surprised how discussion can go on at this stage by making statements.

Mr. SPEAKER.—There is no question of statement at all.

Sri Y. VEERAPPA (Holenarasipur).—It amounts to a clarification for making out a *prima facie* case for the adjournment motion being discussed.

ಅಧ್ಯಕ್ಷರು.—ಇಲ್ಲಿ Statement ಎಂದು ಹೇಳಿದು ದರ ಅರ್ಥವನ್ನು ತಾವು ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಮಾಡಿಕೊಂಡ ಹಾಗೆ ಕಾಣುತ್ತ. ನಿಲುವಳಿಸೂಚನೆ ಈಗ ಸಭೆಯ ಮುಂದೆ ಬಂದಿರುವಂಥದ್ದರಲ್ಲ *Prima facie* ಯಾಗಿ case ಏನಾದರೂ ಇದೆಯೇ ಇಲ್ಲವೇ ಎಂದು ನೋಡುವುದಕ್ಕೆ ಈ ಮೂರು ಜನರಲ್ಲಿ ಯಾರಾದರೂ ಒಬ್ಬರು ತಮ್ಮ case ನ್ನು ಹೇಳಬಹುದೆಂದು ನಾನು ಸೂಚಿಸಿದ್ದೇನೆಯೇ ಹೊರತು ಬೇರಾವ statement ಮಾಡಬಹುದೆಂದು ನಾನು ಹೇಳಿಲ್ಲ.

*Sri C. M. POONACHA.—Mr. Speaker, before that I would like to mention (1) that the matter is under a magisterial enquiry and the report of the magistrate who is conducting the enquiry is being awaited and (2) that a case has been registered before subjecting the body of the deceased to a *post mortem* examination and that an F.I.R. has been filed before the judicial magistrate. Therefore there are certain factors which in a way perhaps make it a bit embarrassing for matters to be discussed in detail in this House, when an enquiry is on and when an investigation is on. I was about to mention the fact.....

Sri M. C. NARASIMHAN (Kolar Gold Fields).—On a point of order, Sir.

Mr. SPEAKER.—There is a point of order by the Hon'ble Home Minister.

Sri C. J. MUCKANNAPPA.—He has not raised any point of order. He is commencing to make a statement.

Mr. SPEAKER.—He is telling that the whole enquiry is *sub judice* and that is why he wants to know the scope of the discussion or the scope of the adjournment motion.

Sri J. B. MALLARADHYA.—Is that a point of order, Sir?

Mr. SPEAKER.—I want to know whether he has raised a point of order or not.

Sri A. BHEEMAPPA NAIK.—He need not say in so many words.

Sri B. K. PUTTARAMIYA.—As per ruling of the Chair I am going to state the urgent importance of this motion and then the Chair may give chance to the Hon'ble Minister to speak.

Mr. SPEAKER.—The Hon'ble Minister has raised a point of order.

Sri B. K. PUTTARAMIYA.—He has never raised a point of order. He was convincing the Chair first, that is all.

Mr. SPEAKER.—I am just trying to understand whether he has raised a point of order or he is trying to make a statement.

Sri B. K. PUTTARAMIYA.—Sri Narasimhan has raised a point of order.

Mr. SPEAKER.—If a point of order is raised by one member, that member is entitled to have his say but nobody can advocate for that member. That is not fair. Hon'ble Member may please resume his seat.

*Sri M. C. NARASIMHAN.—I can take care of myself. My point is this. Under rule 41(2) if objection to leave being granted is taken, the Speaker can request those members who are in favour of leave being granted to rise in their places. What the Hon'ble Home Minister is trying to do comes exactly within the scope of 41(2). He is now objecting to the motion in this matter being discussed.

Mr. SPEAKER.—It is not covered by the rules here. I want to know whether there is a *prima facie* case to allow this motion to be made in this House or not.

*Sri K. PUTTASWAMY (Mysore).—I am raising a point of order. I heard the Hon'ble Home Minister saying that the whole matter is seized by a court of law, an F.I.R. having been submitted. I request your kind attention to rule 40 (f) which reads thus :

> " the motion must not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India."

Now that the Hon'ble Minister has said that an F.I.R. has been submitted and investigation is going on and further an enquiry by a magistrate is being held I want to know whether this discussion can go on as it is a matter *sub judice*.

Mr. SPEAKER.—The information regarding this matter being in a court of law has just now been received. I would like to know in this connection whether an F.I.R. has been sent to the court or a charge-sheet is also sent to the court.

Sri C. M. POONACHA.—I think an F.I.R. only has been sent and not the charge-sheet yet because other things are being enquired into ; I am not clear on that point. Charge-sheet has not been placed.

Mr. SPEAKER.—I must make a difference. If a charge-sheet is not received in court, the court is not seized of the case. A court is considered to be seized of the case only when a charge-sheet is placed.

Sri T. PARTHASARATHY.—According to the statement by the Police, they have denied the whole thing. I want to hear from the Hon'ble Home Minister whether an F.I.R. has been filed because that " the whole affair is baseless " is the statement made by a Police Officer. That statement should be brought into the court for having been made without the consent of the department.

Mr. SPEAKER.—That is a different matter. I am not concerned with what the Police Officer has said before the press or whatever has appeared in the press. I am only concerned with the case being in a court of law and whether the charge sheet has been sent to the court. If it has not been sent to the court and only F.I.R. is sent to the court, the court is not seized of it and it cannot be considered to be *sub judice*.

Sri B. K. PUTTARAMIYA.—This is definite matter.....

ಶ್ರೀ ಕೆ. ಹನುಮಂತಯ್ಯ.—ಈಗ ಈ ಸಭೆಯಲ್ಲಿ ಈ ವಿಷಯದಲ್ಲಿ ಸಂಪ್ರದಾಯ ಆಗಲೇ ಏರ್ಪಟ್ಟಿದೆ. ಕ್ರಿಮಿನಲ್ ಕೇಸುಗಳಲ್ಲಿ ಮೊದಲು F.I.R. ಅನಂತರ ಚಾರ್ಜ್‌ಷೀಟ್, ಅನಂತರ ಚಾರ್ಜ್ ಫ್ರೇಂ ಮೂಡತ ಕ್ರಮಾಂಥಾದ್ದು.

There are various proceedings before a court. Very many members here who are eminent lawyers know that as soon as an F.I.R. is filed the court is seized of the matter. Anyway, it so happens that the Advocate General is here and his opinion may be taken on the point and it will help the Chair in giving a ruling in the matter.

Sri B. K. PUTTARAMIYA.—There is already a ruling of the Chair. This House cannot question the ruling of the Chair.

Mr. SPEAKER.—The point that the Hon'ble Member Sri K. Hanumanthaiya has raised is that if an F.I.R. is sent to the court, the court is seized of the case, and that it must be taken as being *sub judice*. I have already said that mere F.I.R. being sent to the court should not be taken as the case being *sub judice*. Of course I am open to correction. He only says that it is the opinion of wellknown lawyers and advocates. I have too respect for the opinion of such lawyers and advocates. But I would like to know what exactly is the convention that has been followed in this House; whether when an F.I.R is sent to the court the case should be taken as being *sub-judice* or the question of *sub-judice* arises only after a charge-sheet about the case is sent to the court. On that I am clear that the first stage is not *sub judice* but I am always open to correction if any Hon'ble Member convinces me that the mere sending of an F.I.R. to a court can be taken as the case being *sub judice*.

Sri A. BHEEMAPPA NAIK.—Sir, under no stretch of imagination can it be called adjudication. Filing of an F.I.R. in a court is not adjudication. The Court is not seized of the matter. After filing the F.I R., a B report or a C report or a charge sheet may be laid. It is only after that that the matter is said to be seized by the court. According to the Hon'ble Minister, a magisterial enquiry is going on. Since an enquiry has been instituted, the matter has been seized by the Court. Prudence therefore requires that we need not take this up. Actually mere filing of an F.I.R. does not amount to the matter being seized by the Court.

Sri B. K. PUTTARAMIYA.—I rise to a point of order. Members of the same party from the other side—Sri K. Hanumanthaiya said something and Sri Bheemappa Naik spoke against it. Is it correct, Sir, coming from the same party? I want a ruling. The other day, the same point of order was raised. Some remarks for the discipline of the party concerned was made from the Chair. What about this party? I want a ruling from the Chair whether the attitude of the same party is all right or not.

Sri A. BHEEMAPPA NAIK.—On a point of law, every member is entitled to express his opinion and comment. It is my friends on the opposite side who quarrel among themselves. I won't do so.

Sri J. B. MALLARADHYA.—There is more quarrel on the other side than on this side.

Mr. SPEAKER.—So far as the party discipline is concerned the party has not committed itself to anything. This is a question of law and there may be two or three opinions. Amongst members of the same party therefore, there is no point of order.

Now that the Advocate-General is here, I would like to know what exactly is the position in this respect.

Sri T. PARTHASARATHY.—The Home Minister has said that a magisterial enquiry is going on. I would like to know the relevant records that have been sent to the Magistrate.

Mr. SPEAKER.—I want to hear from the Advocate-General. I would like to know what exactly is the position as regards *sub judice*. What is *sub judice*? When an F.I.R. is sent to the Court, is the subject *sub judice* or does the question of *sub judice* arise only after the court is seized of the charge sheet?

*Sri G. R. ETHIRAJULU NAIDU (Advocate-General).—Mr. Speaker, Sir; I must first tell you and the House that I have not come here with any previous knowledge that this matter would be coming or with any knowledge of what exactly is the position in regard to this case. I just came here to watch the proceedings. May I submit only this? Even if the First Information Report is laid before the Court, there are certain powers exercised by the Court, though it would be difficult to say that the matter is under adjudication by the Court. However in fairness to me, the House will agree that as a responsible statement has to be made in this matter, the Government may place the records at my disposal so that I may study the position and make a statement tomorrow after question-time.

Mr. SPEAKER.—We will take up the subject tomorrow.

*Sri T. SUBRAMANYA (Turuvekere).—For the kind consideration of the Chair, I would like to say that as soon as a F.I.R. is placed, such matters, if they are to be dealt with, will amount to contempt of court. Whether a matter is *sub judice* or not is governed by the fact whether the person making a statement will be liable for the contempt of court. When you speak about the case in a manner which would endanger either the accused or the prosecution, you will be liable for contempt of court. It is my opinion. I would welcome a studied opinion by the Advocate-General. But still it amounts to a contempt of court, as a F.I.R. is sent to the Court and it amounts to *sub judice*.

(*Sri Y. Veerappa rose.*)

Mr. SPEAKER.—The whole question will be discussed tomorrow as there are two opinions in this matter.

Sri J. B. MALLARADHYA.—Whether any convention has been established in this House in regard to this matter is a point for serious consideration. Even when a F.I.R. is placed in the Court, what is the convention established in the court in these matters—that is an important point for decision. What the Advocate-General will say on the facts of the case is a separate matter. On a matter of convention and precedent as to what has taken place in this House is a matter which should be looked into and this is very important.

Sri T. SUBRAMANYA.—Sir, I would like to say that there is no question of convention in this matter. We are governed by the law of contempt of court. Whatever convention there may be, the court will not be guided by the conventions or precedents that we have laid down. One has to see whether his act amounts to breach of law. Our established conventions will never come into play. We need not worry about it

Sri T. PARTHASARATHY.—I require an assurance from the Minister that the charge-sheet will not be laid before the court before tomorrow.

Before you take a final decision in this matter, Sir, it is better if the Home Minister could let us know whether the F.I.R. has been placed with regard to the facts under discussion now or in connection with some other case. If the F.I.R. does not relate to matters discussed here, it will not amount to *sub judice*. But if the F.I.R. relates to matters that are contemplated to be discussed on the floor of this House, that would be a different matter. Therefore, I request the Home Minister to clarify. If the Magistrate is holding the enquiry that means he is holding investigation. So, we cannot say, it is magesterial inquiry. It is an investigation conducted by a magistrate. The next point that we should know from the Home Minister is, which is that F.I.R., against whom and for what offence.

Sri K. HANUMANTHAIYA.—I am sorry to intervene again, Sir. I am doing so in the interests of laying down good precedents and upholding the precedents already laid down by this House and other Houses. There is no question of a contempt of court here. This House is supreme. Even if we discuss matters relating to judiciary, no court of law can charge any member here with contempt of court. It is only the rules that we ourselves have framed that have to govern our conduct. In their wisdom, this House and other Houses have framed Rules that matters *sub judice* need not be discussed; that is in order to give a fair trial to the case pending. The question of contempt does not arise here.

Secondly, I have myself been a party to establishing precedents in cases analogous to this. You were kind enough to call upon the Advocate-General and—in fact, he has stated his opinion, though he wants to fortify himself and make a statement. He said that the F.I.R. may not have reached the stage of adjudication, but still the court is seized of certain powers in regard to the accused. For example nobody can grant bail except the court. Further proceedings have to be pursued before the court. Therefore, it is clear that the court

(SRI K. HANUMANTHAIYA)

is seized of the matter in substance though not to the full extent. We have many a time seen in such delicate situations, the House has been so good as to keep its hands off from such cases. We should not discuss. It is very difficult for us to draw the line and say which are the issues which come under the purview of the court at that stage and which are the issues that do not come under its purview. The Hon'ble movers of the adjournment motion are so anxious that justice should be done. It is a very welcome state of mind. But at the same time, we should not rush to the conclusion that the Government is delaying the matter or that it is trying to do something which is not just. We have to allow the usual procedure to be followed. Now that the Members have brought it to the notice of this House and of the Government that further investigation must be proceeded with, it is right and proper that we should not discuss the case now; under the rules of this House it is *sub judice*, Sir.

Sri Y. VEERAPPA.—Mr. Speaker, the question of determination of this point whether it amounts to *sub judice* or not has to be viewed with reference to the procedure laid down normally about F.I.R. It is in accordance with section 154 of the Criminal Procedure Code. Any officer who receives the information will automatically send a copy to the concerned court and that information may ultimately end in A report, B report or C report. Therefore all the matters which are required for the Judge to adjudicate upon are not placed in the first information report. For example, under which section of the Indian Penal Code the case has been charge-sheeted, who are the witnesses and under what circumstances? These are some of the most important ingredients that enable a court to adjudicate on the point. Therefore, the fact of merely sending information to the court does not amount to *sub judice* because the court has no complete control of all the facts cencerned with the particular incident. Therefore, our imagination that it amounts to *sub judice* is out of one's own imagination, because the very fact that the matter is brought before the court should prove that there is great injustice and the movers of the adjournment motion should have been allowed to state whether there is a *prima facie* case to be brought before this House. It is only then that the Hon'ble Minister should have said that the case is under investigation and that a charge-sheet has been filed under a particular section of the Indian Penal Code and that the accused have been charge-sheeted. The House has not yet understood whether there is a *prima facie* case or not. Therefore, my humble submission is that it does not amount to *sub judice* and therefore, it is a matter to be discussed in this House because it amounts to a matter of public importance.

***Sri V. SRINIVAS SHETTY** (Coondapur).—On a point of order, Sir. I heard the statement of the Hon'ble Home Minister that F.I.R. has been received and a copy has been sent to the Magistrate. I hold that it is the magistrate who is enquiring. Sir, if the F.I.R. is pending, either the police must be investigating or there is another section—section 202 of the Cr. P.C. under which the Magistrate is entitled to record statement to come to a conclusion whether there is a case for enquiry or not. If the police have dropped the matter and a private party has moved a court, I can understand the court enquiring under section 202. If the police are simultaneously investigating the case, I cannot understand the situation that a court also should inquire into the case. If the police are actually investigating into the case, it is preposterous to think that simultaneously a magistrate is enquiring. It cannot happen under the Cr. P.C. So, the only conclusion is that the police had dropped the matter and that the magistrate is either enquiring into the case under section 202 or if it is an enquiry into the conduct of certain officials, it is a separate matter.

So the statement of the Home Minister is quite contradictory and

quite unconvincing and un-understandable by any one of us. I request the Home Minister to make it clear.

Mr. SPEAKER.—It is not a point of order.

Sri V. SRINIVAS SHETTY.—It is a mistake, Sir.

Mr. SPEAKER.—Let me bring the matter to a close today. The first point is whether after the receipt of the F.I.R. the case can be said to be *sub judice* or whether the case can be said to be *sub judice* after the court receives the charge-sheet. That is one. The second is, when the magistrate makes an enquiry, whether it is an enquiry under section 202 of the Cr.P.C. or whether it is an investigation. If it is an investigation, is the Magistrate said to be in charge of the case and can the matter be said to be *sub judice*? These are the points to be considered. So far as the conventions are concerned, I must find out whether there are any conventions laid down by the Assembly of the Old Mysore State in this behalf and if there are any, I should like to respect them. So far as the contempt of court is concerned, of course there are two views. One view has been expressed by the Hon'ble Member Sri Subramanya and the other view has been expressed by the Hon'ble Member Sri Hanumanthaiya. A similar situation arose in Bombay where it was held that even if matters which are *sub judice* are discussed in the House, it does not amount to a contempt of court. But it does amount to a breach of the rules that we have framed. The Hon'ble Member Sri Hanumanthaiya said just now that those rules do not allow us to discuss matters which are *sub judice*. I will, therefore, give my thought to this matter and come to certain conclusions tomorrow.

Sri G. ANNA RAO (Afzalpur).—Before you give a decision, some of the members should be allowed to express their views on this matter.

Mr. SPEAKER.—I shall allow them to do so tomorrow.

Sri. T. PARTHASARATHY.—I would request the Chair to request the Hon'ble Minister to make a statement explaining the position.

Mr. SPEAKER.—That can be done tomorrow. If I allow him to make a statement, we will be landing into trouble again.

REPORT OF THE MYSORE TENANCY AND AGRICULTURAL LAND LAWS COMMITTEE.

Motion to consider.

Sri M. P. PATIL (Minister for Revenue).—Sir, I beg to move . . . .

Sri C. J. MUCKANNAPPA (Gubbi).—Sir, I rise to a point of order.

Mr. SPEAKER.—There cannot be a point of order in a vacuum. Let him make the motion and then the Hon'ble Member can rise on a point of order. I can understand his anxiety to raise points of order, but they must relate to certain facts.

Sri M. P. PATIL.—Sir, I beg to move :

> "That the report of the Mysore Tenancy and Agricultural Land Laws Committee be taken into consideration."

Sri C. J. MUCKANNAPPA.—I rise on a point of order, Sir. The same motion was made by the Revenue Minister in the previous session. It is not contemplated under any of the Rules of Procedure and Business of the House that a Minister should move the same motion every now and then. Therefore, is it proper, is it correct and is it in accordance with the rules to make the same motion which was made in the previous session now ?

Sri M. P. PATIL.—I would request the Hon'ble Member to have some patience before he rises on a point of order. As a matter of fact, I was going to explain that point and my explanation would have satisfied him and there would have been no necessity for him to rise on that point of order.

Sir, the point is that a similar motion was moved in the last Assembly session, but, as you know and as the